

**Applicant:** George Braoudakis  
**Application No.:** 10/511,177

**Amendments to Drawings:**

The attached drawing sheet contains new FIG. 2SB, which is a side view of a pizza box constructed from a blank of the present invention. Support for the drawing is found in FIGS 2A, 2B, 3A, 3B, 5B, and in the specification at paragraphs [0099] – [0104] and [0109] – [0110] (of the published application).

### **REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 1, 5, 6, 10 – 11, 13, 23, 24, 26–27 and 31–32 are currently pending in this application. Claims 1, 5, 13 and 23 have been amended. Fig. 2SB is new and is a side view of a pizza box constructed from a blank of the present invention. Support for the drawing is found in FIGS 2A, 2B, 3A, 3B, 5B, and in the specification at paragraphs [0099] – [0104] and [0109] – [0110] (of the published application). Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Claim Objections**

Claim 5 was objected to as depending on a cancelled claim. Claim 5 has been amended to depend from claim 1, thereby obviating the objection. Accordingly, withdrawal of the Objection is respectfully requested.

#### **Drawing Objections**

The drawings were objected to as not showing every feature of the invention specified in the claims. The amendment of claims 1, 13, and 23 as well as the submission of new FIG. 2SB obviates the objection. New FIG. 2SB, is a side view of a pizza box constructed from a blank of the present invention. Support for the

drawing is found in FIGS 2A, 2B, 3A, 3B, 5B, and in the specification at paragraphs [0019]; [0099] – [0104] and [0109] – [0110] (of the published application).

Accordingly, withdrawal of the Objection to the Drawings is respectfully requested.

**Claim Rejections – 35 U.S.C. § 112**

Claims 1, 5, 6, 10, 11, 13, 23, 24, 26, 27, 31 and 32 were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement.

In view of the amendment to claims 1, 13 and 23 and the submission of new FIG. 2SB, the rejection is rendered moot. Claims 1, 13 and 23 have all been amended to recite that “at least one tab is provided at a lower surface or edge of the container and provides supports to elevate the assembled container off a surface thereby allowing for air to circulate thereunder.” This is also shown in new FIG. 2SB, which is supported by original FIGS 2A, 2B, 3A, 3B, 5B, and in the specification at paragraphs [0019]; [0099] – [0104] and [0109] – [0110] (of the published application).

Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

**Claim Rejections - 35 USC § 103**

Claims 1, 5, 6, 10, 13, 23-27 and 31 were again rejected under 35 USC § 103(a) as obvious over U.S. Patent No. 5,725,146 to Luberto in view of U.S. Patent No. 6,027,018 A to Yocum.

Applicant respectfully traverses the rejection.

Claims 1, 13 and 23 have all been amended to recite that “at least one tab is provided at a lower surface or edge of the container and provides supports to elevate the assembled container off a surface thereby allowing for air to circulate thereunder.”

This feature provides the advantages of lifting the box base off the surface the box is placed on thus allowing air under the box. This feature is clearly illustrated in new FIG. 2SB and as a result, condensation between the base of the box and a table (or any other surface) is greatly reduced or eliminated. This in turn, reduces soggy pizza crust and keeps the pizza hotter by reducing heat loss.

The amendments to independent claims 1, 13 and 23 include features not shown in the references cited. Specifically, none of the references cited describe the use of tabs projecting from the lower surface of the container to allow for airflow/air circulation underneath the box. Although Luberto shows a pizza box with small projections, this document describes the tabs as *'extend to a position slightly below the lower surface of bottom panel 12 so that they can interlock with the peripheral*

*side wall 13 of the lower box where there is a slacking relationship' (See col. 4, lines 33-36).* However there is no mention or direction in this document to have the tabs suited to create airflow/circulation around the pizza base. It is further noted that the boxes of Luberto are not stackable on top of each other given the ramp-like configuration of the lid.

The examiner states in the Action that "... although Luberto's tabs are not taught to specifically perform that function that the tabs are capable of elevating the box off a surface, which allows air to circulate beneath the bottom wall." Applicant respectfully disagrees since Luberto clearly states in column 4, lines 33 – 36: "Tabs 52 and 54 extend to a position *slightly* below the lower surface of bottom panel 12, so that they can interlock within the peripheral side wall 13 of lower box where there is a stacking relation." (emphasis added). Thus, there is no suggestion or evidence that the *slight* extension is sufficient to allow air to flow beneath the bottom of the box as is claimed. Applicant has had tests conducted by Commonwealth Scientific and Industrial Research Organisation (CSIRO) – Australia, comparing the heat retention of a box of the present invention as compared with a standard container, such as the container of Luberto. The data can be readily provided to the examiner if the examiner feels that the data would be beneficial in forwarding prosecution.

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Claims 5-8, 10, 24, 26-27 and 31 are dependent upon claims 1 and 23 respectively, which the Applicant believes are allowable over the cited prior art of record for at least the same reasons provided above.

Based on the amendments and arguments presented above, withdrawal of the § 103 rejection of claims 1, 4, 5-10, 13 and 23-29 and 31 is respectfully requested.

Claims 11 and 32 were rejected under 35 USC § 103(a) as obvious over Luberto in view of Yocum as applied to claims 1 and 23 above and further in view of U.S. Patent No. 6,153,280 to Uffmann.

Claims 11 and 32 depend from claims 1 and 23, respectively, which are believed to be allowable for at least the reasons set forth above, and should likewise be allowable. Accordingly, the §103 rejection of claims 11 and 32 is respectfully requested.

### ***Conclusion***

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 5, 6, 10 – 11, 13, 23, 24, 26–27 and 31–32 is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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